IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.21243 of 2000

Between:

Sunil Kumar, S/o K.P.Sharma,
CISF Unit, HPCL, Vizag.

..... PETITIONER

AND

1 The Commandant, Central Industrial Security
Force Unit, Visakhapatnam Steel Plant,
Visakhapatnam
2 The Deputy Commandant, Central Industrial Security Force,
Hindustan Petroleum Corporation Limited, Visakhapatnam -11

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of certiorari calling for the records pertaining to proceedings No.V-11014/5/VSP/Ad.II/99-1813, Dt.22/2/2000 passed by First respondent and proceedings No.V-15014/(24)/Disc/HPCL/99/95, Dt.29-09-1999 passed by second respondent and quash the same.

Counsel for the Petitioner: Mr.ANJANEYULU CHANDUBATLA

Counsel for the Respondents: Smt.C.VANI REDDY, Addl SC for CG

The Court made the following :

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ORAL ORDER:

This writ petition is filed challenging the order passed by the disciplinary authority (2nd respondent) in its Proceedings dated 29-9-1999 as confirmed by the appellate authority (1st respondent) by its Proceedings dated 22-2-2000 wherein the punishment of withholding of one increment for a period of three years without cumulative effect imposed by the disciplinary authority was confirmed.

The charge was that the petitioner involved in an act of gross negligence and dereliction of duty while detailed for 'A' shift on 20-9-1999 from 0500 hours to 1300 hours at HPCL North Emergency Gate and at about 0845 hours he allowed 10 contract labour of L&T and ENNAR Constructions inside the refinery through north emergency gate without having proper authority/permission from the management, as they were supposed to gain entry through Yarada park gate. A charge sheet was issued and after conducting a detailed enquiry and following the procedure, the disciplinary authority found that the petitioner had violated instructions, which is a serious offence. However, a lenient view was taken considering the long service and future career of the petitioner, minimum punishment of withholding of one increment for a period of three years, which will not have the effect of postponing further increments was imposed. Aggrieved by the same, the petitioner filed an appeal unsuccessfully. Challenging the said orders, the present writ petition is filed.

Heard both sides.

Except saying that the authorities have not properly considered the fact that the contract labour, who were permitted to enter into the premises, were having valid permits, no other contention is raised by the petitioner. The charge was that the contract labour may be having valid permits, but they were not authorized by the management to enter through North Emergency gate and they were supposed to

gain entry through a different gate at Yarada Park. The security of the refinery being paramount consideration of the Central Industrial Security Force, the act of negligence attributed against the petitioner cannot be said to be trivial or innocuous. The authority itself has taken a lenient view and imposed a meagre punishment of withholding of one increment for a period of three years without cumulative effect, which was confirmed by the appellate authority holding that the punishment imposed by the disciplinary authority was just and proper in the circumstances of the case. I do not find any grounds to interfere with the impugned orders. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

09-9-2004

prk

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Commandant, Central Industrial Security
Force Unit, Visakhapatnam Steel Plant,
Visakhapatnam
2 The Deputy Commandant, Central Industrial Security Force,
Hindustan Petroleum Corporation Limited, Visakhapatnam -11

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